

Justification of Changes Without Regulatory Effect  
California Work Opportunity and Responsibility to Kids (CalWORKs)  
Stage One Child Care Eligibility, ORD # 0916-11  
Section 100 (Editorial)

Current regulations within the Manual of Policies and Procedures (MPP) section 47-260.54 (governing the collection of information from license-exempt childcare providers, including collection of Social Security numbers) hold the following: "Provision of the Social Security number is mandatory to enable the county to comply with the federal reporting requirements for an unduplicated count of child care providers under the Child Care and Development Fund. The county shall inform the provider that provision of the Social Security number is mandatory, and the uses that will be made of this number." In its References, the MPP cites to 42 U.S.C. 9858i(a)(2)(A), the authority for federal reporting requirements, to justify the Social Security number collection requirement.

Examination of the Federal reporting requirement in the Child Care and Development Fund, however, reveals that while a count of child care providers is required to be reported, collection of Social Security numbers for this purpose is neither mentioned nor mandated [see Child Care and Development Block Grant section 658K(a)(2)(A), providing for annual reporting to federal authorities on "The number of child care providers that received funding under this chapter as separately identified based on the types of providers listed in 658P(6)."].

On the other hand, California law expressly prohibits state agencies' collection or use of personal information such as Social Security numbers unless specifically necessary to accomplish a required function or mandated by Federal law (California Civil Code section 1798.14). In the case of MPP section 47-260.54, the Federal government is mandating neither the California Department of Social Services (CDSS) nor the counties to collect Social Security numbers as part of their reporting duties, nor is collection of child care providers' Social Security numbers specifically necessary to carry out any other required function. Therefore, CDSS is proposing a Section 100 request to 1) delete the Social Security number collection requirement within MPP section 47-260.54 in order to align the MPP with California law; 2) renumber the affected outline (MPP sections 47-260.55 through .58); and 3) strike out Subsection (2)(A) from 42 U.S.C. 9858i(a)(2)(A) from the References to remove the citation for federal reporting requirements.